



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

February 28, 2005

Daniel Borunda
Environmental Protection Specialist
USIBWC
4171 North Mesa, C-100
El Paso, TX 79902

Subject: Clean Water Act Compliance at the South Bay International Wastewater Treatment Plant/Supplemental Draft Environmental Impact Statement (SDEIS) [CEQ #040596]

Dear Mr. Borunda:

The U.S. Environmental Protection Agency (EPA), Region 9 has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act.

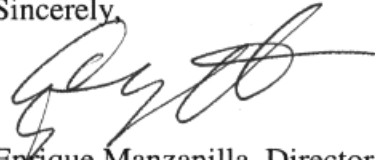
The SDEIS evaluates alternatives for the South Bay International Wastewater Treatment Plant (SBIWTP) to achieve compliance with the Clean Water Act and its National Pollutant Discharge Elimination System Permit. The alternatives evaluated in the SDEIS include the No Action, Operate the SBIWTP as an Advanced Primary Facility with Treated Flows conveyed to Mexico, Operate the SBIWTP with City of San Diego Connections (Interim Alternative Only), Public Law 106-457 (Secondary Treatment in Mexico), Secondary Treatment in the U.S. at the SBIWTP, Secondary Treatment in the U.S. and Mexico, and SBIWTP Closure/Shutdown.

The SDEIS identifies the Public Law alternative as the preferred alternative. This alternative will provide the necessary secondary treatment, is consistent with Public Law 106-457, as amended in 2004, and Minute 311, and will assist Tijuana in meeting its long-term wastewater treatment needs.

We acknowledge that the EPA has had a long history with this project through prior funding and continued cooperation and coordination with your agency and other interested stakeholders. We support continuing consultation with EPA and others in addressing ways to achieve both Clean Water Act compliance and protecting public health and the environment in the San Diego border region. We have rated this SDEIS as LO -- Lack of Objections (see enclosed "Summary of Rating Definitions").

We appreciate the opportunity to review this SDEIS and request a copy of the Final Environmental Impact Statement when it is filed with our Washington, D.C., office. If you have any questions, please call me at (415) 972-3843, or have your staff call Lisa Hanf at (415) 972-3854.

Sincerely,

A handwritten signature in black ink, appearing to read 'Enrique Manzanilla', written over the word 'Sincerely,'.

Enrique Manzanilla, Director
Cross-Media Division

004269

Enclosure: "Summary of Rating Definitions"

cc: Robert Moyer, EPA HQ

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."